

5759. Misbranding of "Sunshine Molasses Dairy Feed." U. S. * * * v. The Ferger Grain Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 8105. I. S. No. 19632-m.)

On April 23, 1917, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ferger Grain Co., a corporation, Cincinnati, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 18, 1916, from the State of Ohio into the State of Indiana, of a quantity of an article labeled in part, "Sunshine Molasses Dairy Feed," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (crude fat) (per cent)-----	3.3
Crude protein (per cent)-----	12.3

This product contains less crude fat and less crude protein than it was labeled to contain.

Misbranding of the article was alleged in substance in the information for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the tags attached to the sacks, to wit, "* * * The Ferger Grain Company of Cincinnati, Ohio, guarantees this Sunshine Molasses Dairy Feed to contain not less than 4% of crude fat, 14% crude protein * * *", (on bags) "* * * Ferger's Sunshine Cow Feed Guaranteed Analysis: Protein 14%, Fat 4% * * *," were false and misleading in that they indicated to purchasers that the article contained not less than 14 per cent of protein and not less than 4 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article contained not less than 14 per cent of protein and not less than 4 per cent of fat, when, in truth and in fact, it contained less than 14 per cent of protein and 4 per cent of fat.

On June 27, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, Acting Secretary of Agriculture.